

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Demetrius Lamont McCullers

Docket No. 5:96-CR-51-3BO

Petition for Action on Supervised Release

COMES NOW Christopher Studley, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Demetrius Lamont McCullers, who, upon an earlier plea of guilty to Conspiracy to Possess with Intent to Distribute Cocaine Base 21 U.S.C. § 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 4, 1996, to the custody of the Bureau of Prisons for a term of 262 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. Demetrius Lamont McCullers was released from custody on September 08, 2015, at which time the term of supervised release commenced.

On March 22, 2017, in response to positive drug tests on January 24, 2017 and February 17, 2017, the defendant's conditions of supervision were amended to include 15 hours of community services, a 2 day jail placement, and enrollment in the DROPS program. The defendant served his 2 day jail placement on June 10-11, 2017.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 28, 2017, the defendant tested positive for the use of cocaine. When confronted, the defendant admitted use and signed an admission form. Because the defendant had not yet served the 2 day jail sanction from his prior drug positives, no additional action was taken at that time. The defendant served his 2 day jail sanction on June 10-11, 2017. On May 28, 2017, the defendant was arrested and charged in Wake County, North Carolina with Driving While Impaired and Civil Revocation of Driver's License (17CR209808). The charges remain pending. In response to the defendant's continued non-compliance, it is recommended that the defendant be ordered to complete a 10 day jail placement, pursuant to DROPS, and an additional 15 hours of community service. Additionally, the defendant has been ordered to comply with any recommended treatment and has been advised that additional drug positives will result in a request for the issuance of a warrant.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 15 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required fee.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 10 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Christopher Studley
Christopher Studley
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8669
Executed On: June 20, 2017

ORDER OF THE COURT

Considered and ordered this 22 day of June, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge